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PATENT AND TRADEMARK MATTERS

MAR 04 2006

## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Attention: Technology Center 3700	M. Robert Kestenbaum
COMPANY:	DATE:
Commissioner for Patents	March 4, 2006
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(571) 273-8300	56
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
(571) 272 4872 (Examiner Boles)	(WW) 29536 P US
RE:	YOUR REFERENCE NUMBER:
Request to Accept Papers	10/759,754

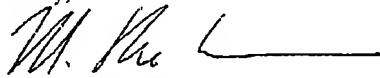
## NOTES/COMMENTS:

Attention: Please direct this submission to the appropriate individuals in Technology Center 3700 for review and approval.

I am faxing a copy of a the timely submitted Amendment and IDS submitted by first class mail (including first class mail certification) submitted on November 23, 2005. Also included herewith is a Petition Under 37 CFR 1.181 Requesting Acceptance of Papers.

Thank you in advance for consideration and approval of this Petition.

Sincerely,



M. Robert Kestenbaum  
Reg. No. 20,430

11011 BERMUDA DUNES NE  
ALBUQUERQUE, NEW MEXICO USA 87111  
PHONE (505) 323-0771  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: US Patent Application 10/759,754  
Filed 01/16/2004  
Applicant Eberspächer  
Art Unit 3749  
Examiner Derek Boles  
Telephone (571) 272 4872  
Attorney Docket (WW) 29536 P US

Mail Stop Technology Center 3700  
PO Box 1450  
Commissioner for Patents  
Alexandria, Va. 22313-1450

Note: Please direct this submission to the  
appropriate individuals

## Petition under 37 CFR 1.181 Requesting Acceptance of Papers

Dear Examiner Boles:

This petition is submitted in response to the telephone discussion with you, which occurred on March 3, 2006. At that time, you informed this office that a response to the Office Action mailed August 25, 2005 had not been received. It was at that time this office learned that the submission of November 23, 2005 had not been received by the USPTO. A Notice of Abandonment has not yet been issued, and we requested that such a Notice not be issued, given the present submission. In summary:

You stated that the USPTO had not received a response to the Office Action mailed on August 25, 2005. My office advised you that we had submitted a response to that Office Action by first class mail. That response was submitted on November 23, 2005, with certification of first class mailing. This office has not received a return acknowledgement postcard.

The details of the submission mailed with the certification of first class mailing are as follows:

Applicant: Eberspächer, Attorney Docket (WW) 29536 P US US Patent Application 10/759,754  
Request under 37 CFR 1.81 to Accept Papers – this request submitted by facsimile on March 4, 2006  
Copy of Submission that was submitted by first class mail on November 23, 2005

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The response to the August 25, 2005 Office Action was submitted by first class mail (including adequate postage) in an envelope addressed to Mail Stop Amendment, PO Box 1450, Commissioner for Patents, Alexandria, Virginia 22313-1450, which was the correct address for the submission. Our submission appropriately included a certification of first class mailing under 37 CFR 1.8, and the Amendment included the identification information regarding the US Patent Application Serial Number and Applicant's name at the bottom of each page of the Amendment. Further, the IDS included with the submission included the appropriate Transmittal (2 pages), a PTO 1449 enumerating the references being submitted, and the references. The submission included a PTO 2038 authorizing charging a credit card for the prescribed \$180 IDS fee. A charge against the credit card has not gone through for the submission. An acknowledgement postcard addressed back to this office, including appropriate postage, was also included with the submission. A copy of the acknowledgement postcard is included herewith. The acknowledgement postcard has not been returned to this office.

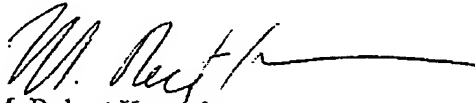
Please accept the papers previously submitted on November 23, 2005. We have not received a formal abandonment in this application. Consequently, this submission is to request that the application not be abandoned, and petitions that the previously submitted response (included herewith) be accepted and entered for examination. If a Notice of Abandonment is issued for this application, this petition also serves to request that such a Notice of Abandonment be withdrawn.

Applicant: Eberspächer, Attorney Docket (WW) 29536 P US US Patent Application 10/759,754  
Request under 37 CFR 1.81 to Accept Papers – this request submitted by facsimile on March 4, 2006  
Copy of Submission that was submitted by first class mail on November 23, 2005

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I hereby declare that the response submitted by first class mail on November 23, 2005 was, indeed, submitted to the correct address with adequate postage, and included a first class mail certification under 37 CFR 1.18(a). On the basis of this declaration, it is respectfully petitioned that the present papers be accepted and that examination continue on the basis of the previous, timely submission.

Respectfully submitted,



M. Robert Kestenbaum  
Reg. No. 20,430  
11011 Bermuda Dunes NE  
Albuquerque, New Mexico 87111  
Phone (505) 323-0771  
Fax (505) 323-0865

Certificate of Transmission by Facsimile

I hereby certify under 37 CFR §1.8 that this correspondence is being submitted to Technology Center 3700, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by facsimile transmission on March 4, 2006, fax number (571) 273-8300. This submission includes a cover sheet with all pertinent information.



M. Robert Kestenbaum

Applicant: Eberspächer, Attorney Docket (WW) 29536 P US US Patent Application 10/759,754  
Request under 37 CFR 1.81 to Accept Papers – this request submitted by facsimile on March 4, 2006  
Copy of Submission that was submitted by first class mail on November 23, 2005

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